



7020-02

INTERNATIONAL TRADE COMMISSION

Investigation No. 337-TA-926

Certain Marine Sonar Imaging Systems, Products Containing the Same, and components Thereof

Notice of the Commission's Determination to Rescind a Limited Exclusion Order and Cease and Desist Orders

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to rescind a limited exclusion order prohibiting importation of infringing marine sonar imaging systems, products containing the same, and components thereof and cease and desist orders directed to the domestic respondents, based upon settlement.

FOR FURTHER INFORMATION: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3042. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 21, 2014, based on a complaint filed by Johnson Outdoors Inc. of Racine, Wisconsin and Johnson Outdoors Marine Electronics, Inc. of Eufaula, Alabama (collectively, “Johnson Outdoors”). 79 *Fed. Reg.* 49536 (Aug. 21, 2014). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain marine sonar imaging systems, products containing the same, and components thereof by reason of infringement of one or more of claims 1, 2, 17, 25, 26, 31, 32, 35, 36, 41-43, 53, and 56 of U.S. Patent No. 7,652,952 (“the ’952 patent”); claims 1, 5, 7, 8, 21, 22, 24, 25, 28, and 29 of U.S. Patent No. 7,710,825 (“the ’825 patent”); and claims 14, 18, 21-23, 25, and 33 of U.S. Patent No. 7,755,974 (“the ’974 patent”). *Id.* The notice of investigation named the following respondents: Garmin International, Inc.; Garmin North America, Inc.; Garmin USA, Inc. all of Olathe, Kansas; and Garmin Corporation of New Taipei City, Taiwan (collectively, “Garmin”). *Id.* The Office of Unfair Import Investigations was not a party to the investigation.

On July 13, 2015, the ALJ issued his final ID, finding a violation of section 337 by Garmin in connection with claims 14, 18, 21, 22, 23, and 33 of the ’974 patent. The ID found no violation of section 337 in connection with the asserted claims of the ’952 and ’825 patents, and claim 25 of the ’974 patent. On July 27, 2015, the parties filed petitions for review of the ID. On August 4, 2015, the parties filed responses to the petitions.

On August 25, 2015, the Commission determined to review the final ID on all issues petitioned. 80 *Fed. Reg.* 55872-74 (Sept. 17, 2015). On review, the Commission determined to affirm the ALJ’s finding of violation of section 337 with respect to claims 14, 18, 21-23, and 33 of the ’974 patent. 80 *Fed. Reg.* 73211-12 (Nov. 24, 2015). The Commission also determined to

affirm the ID's finding of no violation of section 337 in connection with the asserted claims of the '952 patent, '825 patent, and claim 25 of the '974 patent. *Id.*

Having found a violation of section 337, the Commission determined that the appropriate form of relief was: (1) a limited exclusion order prohibiting the unlicensed entry of marine sonar imaging systems, products containing the same, and components thereof that infringe one or more of claims 14, 18, 21, 22, 23, and 33 of the '974 patent that are manufactured by, or on behalf of, or are imported by or on behalf of Garmin or any of its affiliated companies, parents, subsidiaries, agents, or other related business entities, or their successors or assigns; and (2) cease and desist orders prohibiting domestic respondents Garmin International, Inc.; Garmin North America, Inc.; and Garmin USA, Inc. from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for, marine sonar imaging systems, products containing the same, and components thereof covered by claims 14, 18, 21, 22, 23 and 33 of the '974 patent. The proposed cease and desist orders included the following exemption: (1) if in a written instrument, the owner of the patents authorizes or licenses such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States.

On May 10, 2016, Johnson Outdoors and Garmin filed a joint petition under 19 U.S.C. § 1337(k) and Commission rule 210.76(a) (19 C.F.R. § 210.76(a)) to rescind the remedial orders based upon settlement. The parties filed both confidential and public versions of the settlement agreements.

The Commission has determined to grant the petition. The limited exclusion order and cease and desist orders issued in this investigation are hereby rescinded.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.

Issued: June 21, 2016

William R. Bishop

Supervisory Hearings and Information Officer

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